IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 16478 of 2007(J)

AGAINST THE ORDER IN EP.1431/03 IN
OS.1147/2001 of PRL.M.C.,IRINJALAKUDA

.....

PETITIONER:

RAJU JOHN, AGED 47 YEARS,
S/O LONAPPAN, PALATHINGAL HOUSE, SAKTHI NAGAR,
IRINJALAKUDA.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.R.REENA

RESPONDENTS:

KALINGA CHIT FUNDS (P) LTD.,
IRINJALAKUDA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION A/W W.P(C)16486/07 ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)Nos.16478 & 16486 OF 2007

Dated this the 7th June, 2007.

JUDGMENT

Both these writ petitions are filed by the first respondent in E.P.582/05 and E.P.156/04 pending before the Munsiff Court, Irinjalakkuda. As per the execution petition the amount due in E.P.582/05 comes to Rs.42,319/- and in the other E.P it comes to Rs.45,670/-. The executing court had ordered the arrest of respondents 1 and 4. When the writ petition came up for hearing learned counsel for the writ petitioner viz., first respondent in both the execution petitions would submit that if reasonable time is granted his client would be in a position to pay the amount and it is not on account of the intentional negligence he is not paying the amount but on account of the financial crisis. He therefore prays, if a reasonable time is granted he would wipe off the liability.

2. Taking into consideration the sincere representation made, I am inclined to dispose of both the writ petitions as follows:

The writ petitioners are directed to pay a sum of Rs.7,000/- (Rupees seven thousand only) each within a period of six weeks from today in both the execution petitions and thereafter continue to pay the balance amount

in six equal monthly instalments in both the execution petitions. If the petitioners commit default in making payment of the initial amount of Rs.7,000/- or two consecutive instalments, then the decree holder will be at liberty to proceed with the execution for arrest and detention of the writ petitioners in civil prison.

M.N.KRISHNAN
Judge

jj